

Boyd I. Gourneau  
Chairman



Tribal Administration  
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April 12, 2017

Mignon Clyburn, Commissioner  
Federal Communication Commission  
445 12<sup>th</sup> Street, NW  
Washington, DC 20554

REF: WT Docket No. 17-79 / Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment and Revising the Historic Preservation Review Process for Wireless Facility Deployments.

Dear Commissioner Clyburn:

I am submitting for your consideration some general comments from the perspective of the Lower Brule Sioux Tribe prior to the Commission meeting later this month.

The Lower Brule Sioux Tribe has been reviewing tower placement since the FCC initiated the process some 14 years ago. In the early years of this agreement, the number of towers erected were very manageable in terms of the NEPA/NHPA Section 106 review process for our Cultural Resource staff. As demand for coverage mushroomed, the requests for Section 106 review escalated as well. This escalation put tremendous pressure on our staff resources and program budgets as other contracts and projects were of higher priority, although no more important.

In the fall of 2016, recognizing that many other tribes were assessing fees for this service, we undertook a thorough examination of what that might entail, and to determine how to offset costs of the staff time devoted to ensuring industry compliance with the statute. In reviewing available information, we realized there was very little consistency in the fee schedules. To this end, we created a fee schedule which we feel is fair, based on a tiered rate, with exceptions [available on the TCNS Notification Preferences]. We worked hard to come up with a fee schedule that was reasonable and were surprised at the supportive [voluntary] comments we received from industry to that effect.

I cannot express to the Commission how valuable and important the Section 106 review process is to Tribes in the identification, preservation and protection of our cultural sites, which is our history. Over the years the Section 106 review process has been in place, the Lower Brule Sioux Tribe has worked successfully with industry to relocate the placement of some towers and to actually move an existing tower off a butte that has been a place of worship for generations. As these examples demonstrate, Section 106--whether addressed under NEPA or NHPA-- is mandatory -- particularly in rural, minimally populated and open areas.

We understand the pressure the current Administration's emphasis on streamlining and removing barriers is placing on Federal agencies. We ask you to keep in mind, however, that statutory compliance and

Federal trust responsibility [to tribes] are serious issues that Federal agencies need to be accountable to on a continual basis. Our goal is not to be obstructionists, but to work within a process that is positive for all parties.

In closing, we would like to recommend that (1) the issue of Section 106 compliance and (2) the issue of the fee schedules involved, be addressed by a Work Group with the specific goal of addressing consistency in the review process and consistency in fees.

If you have any questions or would like further information please contact me or Clair Green, Director of our Cultural Resources Office (605-730-1935).

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Boyd I. Gourneau", with a long, sweeping horizontal line extending to the right.

Boyd I. Gourneau  
Chairman